

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff and Counter-Defendant,

vs.

Civil Action No. 77-71100
Honorable John Feikens

STATE OF MICHIGAN,
Defendant and Cross-Plaintiff
And Cross-Defendant,

vs.

CITY OF DETROIT, a municipal corporation, and
DETROIT WATER AND SEWERAGE DEPARTMENT,
Defendant and Cross-Plaintiff,

vs.

ALL COMMUNITIES AND AGENCIES UNDER
CONTRACT WITH THE CITY OF DETROIT FOR
SEWAGE TREATMENT SERVICES,

et al.

OPINION AND ORDER REGARDING STANDING

On April 20, 2006, the Detroit Water and Sewerage Department (DWSD) provided the further briefing requested on five contracts the Mayor of Detroit asked me to approve. Wayne and Oakland County filed papers in which each opposed the request as to all five contracts.

DWSD's brief indicates that Wayne County can suffer no injury from the approval or disapproval of those contracts, because it is not a water supply customer of DWSD. (Br. at 3.)

Even if no party raises it, I am obliged to examine my own subject matter jurisdiction, including whether the parties before me have sufficiently alleged that they will be injured. Warth v. Selden, 422 U.S. 490, 501 (1974); Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992). Wayne County did not allege any injury in its objection. As there is nothing before me to indicate that Wayne County would be at all affected by the contracts at issue, I find it has no standing to raise its objections. Therefore, I find I cannot consider Wayne County's objections as to these five contracts, because it lacks standing to raise them before this Court.

Additionally, DWSD states that contracts WS-650, WS-657, and WS-651 were allocated to Detroit ratepayers only. Like Wayne County, Oakland County did not allege any injury in its objection. Therefore, I find I cannot consider Oakland County's objections as to those contracts, because it lacks standing to raise them before this Court.

IT IS SO ORDERED.

Date: April 28, 2006

s/John Feikens
United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on April 28, 2006, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager